

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Double D Development, LLC
1840 Munger Road
Helena, MT 59602
2. *Type of action:* Application for Change No. 43D-30027497
3. *Water source name:* Rock Creek
4. *Location affected by project:* N2 Section 29, T5S, R21E, Carbon County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This change is to remove 32 acres of historically irrigated land from production and build two approximately 9 AF flow through fish ponds. DNRC will issue an Authorization to Change if all criteria for issuance under MCA 85-2-402 are met.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)
Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)
Montana Department of Environmental Quality (MDEQ)
Carbon County Planning Office

Part II. Environmental Review**1. Environmental Impact Checklist:****PHYSICAL ENVIRONMENT****WATER QUANTITY, QUALITY AND DISTRIBUTION**

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: Rock Creek (Tributary to Clarks Fork) from Red Lodge to the mouth is on the DFWP list of Chronically Dewatered streams. There will be no change in the rate or timing of

depletions due to this change. The water will continue to be diverted into the Rule-Thompson ditch as it has been done historically. There should be no significant impact from this proposed use.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: Rock Creek (tributary to Clarks Fork) is on the DEQ TMDL list. There will be no change in the rate or timing of depletions from the source. The water will continue to be diverted into the Rule-Thompson ditch as it has been done historically. This proposed use of water should have no significant impact on water quality issues in the area.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: The new conveyance ditch and ponds will be lined with an impermeable PVC liner. The ponds will be approximately 14ft deep and will be reservoirs or pits with a low head berm on the down slope side of each structure. They will be constructed through excavation of the native materials on site. The liner will be buried with a soft fill material for protection and the edges will be planted with wetland vegetation. This proposed use of water should have no significant impact on groundwater quality or quantity in the area.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: The existing diversion from the source will continue to be used as it has been in the past. The new conveyance and ponds were designed by OASIS Environmental and will be constructed by a licensed contractor. The ponds will be flow through and will terminate in an existing wetland area at the north end of the property where the water will return to the ground via deep percolation. There should be no significant impacts from the pond construction.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: The Montana Natural Heritage Program has identified no endangered species or species of special concern within this proposed project area. It is not expected that this proposed development will adversely impact and threatened or endangered species.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: The project will not destroy but rather enhance the existing and any future wetlands in the area.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This project should enhance habitat for wildlife, waterfowl and fisheries.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: This land has historically been irrigated farm land. The pond and conveyance will be lined with and impermeable PVC liner. This proposed use should not degrade soil quality or cause saline seep problems in the area.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: There will be soil disturbance during construction of this proposed project and there will be a possibility of some noxious weeds spread and establishment. It is expected that the landowner will control the spread of noxious weeds on his property.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: There should be no deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: The Montana Historic Preservation Office did identify that there are a few archeological or historic sites of record in the proposed project area but there is a low likelihood that they will be impacted. If any structures over fifty years of age are to be impacted they request that they be contacted to make a determination of their eligibility. The area that will be impacted by this project has been farmed for many years. This proposed use of water is not expected to have any significant impact on any historical or archeological sites in the area.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: This proposed use is not inconsistent with any locally adopted environmental plans and goals for Carbon County.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: There should be no significant impacts on recreational or wilderness activities from this proposed use.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: There should be no significant impact on human health from this proposed use.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X___ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact

(g) Industrial and commercial activity? No significant impact

(h) Utilities? No significant impact

(i) Transportation? No significant impact

(j) Safety? No significant impact

(k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: There are no secondary impacts to report. The secondary impacts are not expected to be significant.

Cumulative Impacts: There are no cumulative impacts to report. The cumulative impacts are not expected to be significant.

3. *Describe any mitigation/stipulation measures:* If the use of this water causes an adverse impact on another owner's water supply with a senior water right, this applicant would be required to cease his use of water until the rights of the affected party were satisfied.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* The no action alternative would not allow Double D Development to change their historic use of water to build two fish ponds. That would mean that Double D Development would not have a trout fishery for their subdivision.

PART III. Conclusion

1. *Preferred Alternative:* The preferred alternative would be to allow the change from irrigation alone to irrigation and fishery with the condition that the water rights of senior water users would not be adversely impacted.

2. *Comments and Responses:* None to report

3. *Finding:*

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS is required.

Name of person(s) responsible for preparation of EA:

Name: Christine Smith

Title: Water Resource Specialist

Date: March 5, 2008